

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BETHSABED GONZALEZ-VALDEZ,

Plaintiff,

v.

J. SCOTT WATSON, P.C.,

Defendant.

:
:
:
:
:
:
:
:
:

CIVIL ACTION NO. 15-4122

MEMORANDUM OPINION

Smith, J.

August 11, 2015

The plaintiff, Bethsabad Gonzalez-Valdez, has applied to this court to file a complaint *in forma pauperis* (“IFP”) pursuant to 28 U.S.C. § 1915. Upon review, the standard printed form which was signed by Ms. Gonzalez-Valdez, under penalty of perjury, is on its face contradictory, and contains incomplete information; therefore, it is not reliable. More specifically, the court has identified the following issues that need correcting:

1. In response to question 1, in the column titled “Average monthly income amount during the past 12 months,” the plaintiff indicates that her spouse received \$1,200 from employment, \$1,200 from child support, and \$1,960 from unemployment payments. However, in the row that asks for “Total monthly income,” at the bottom of the table, requiring the applicant to provide the sum of all income sources for her spouse, she reports that her spouse’s total income from all sources was \$1,960. This is facially inconsistent.

2. In response to question 1, in the column titled “Income amount expected next month,” the plaintiff indicates that she, personally, will receive \$900 from employment and \$380 from child support. However, in the row that asks for “Total monthly income,” at the bottom of

the table, requiring the applicant to provide the sum of all income sources, she reports that her total personal income from all sources will be \$380. This is facially inconsistent.

3. In response to question 8, the plaintiff indicates that her spouse pays \$56 monthly towards “Alimony, maintenance, and support paid to others,” however, in the row that asks for “Total monthly expenses,” at the bottom of the table, requiring the applicant to provide the sum of all expenses, she reports that her spouse’s total monthly expenses are \$0. This is facially inconsistent.

4. In response to question 9, which asks, “Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?” the plaintiff has checked the box “No.” However, a review of the information provided in response to question 1, if that information is correct, reveals that the plaintiff and her spouse’s reported combined monthly income will be dropping from \$4,873 to \$1,280 as of August 2015. The court finds that such a drastic reduction in income for a five-person family qualifies as a major change to the plaintiff’s monthly income.¹ Accordingly, the plaintiff shall follow the directive of the question which requires the applicant, if the answer to the question is yes, to describe the major change on an attached sheet.

5. In response to question 10, which asks, “Have you paid—or will you be paying—an attorney any money for services in connection with this case, including the completion of this form?” the plaintiff has checked the box “No.” However, a review of the docket in this matter reveals that the plaintiff is represented by counsel. Unless the plaintiff is being represented on a *pro bono basis*, this is facially inconsistent. The plaintiff shall provide clarification of her response to this question.

¹ In response to question 7, the plaintiff has indicated that she has three minor children who rely on her or her spouse for support.

For the foregoing reasons, the court denies the plaintiff's application to proceed IFP. The plaintiff has leave to correct or clarify the above inconsistencies and missing information by filing an amended application, under penalty of perjury, within thirty days.²

An appropriate order follows.

BY THE COURT:

/s/ Edward G. Smith
EDWARD G. SMITH, J.

² The court notes that there may be an inconsistency on the application that relates to the monies that are the subject of the plaintiff's lawsuit: In response to question 8, the plaintiff indicates that the only installment payment made by either her or her spouse is \$25 a month to a Capital One credit card. However, the complaint alleges that the defendants violated federal law by making recurring electronic transfers of funds from the plaintiff's checking account, in the amounts of \$751.65 in April 2015, \$125.00 in May 2015, and \$125.00 in June 2015.

Finally, the court notes that the defendant's name is missing in the caption on the front page of the application.